

Executive Summary – Enforcement Matter – Case No. 44503

Atlas Roofing Corporation

RN101633287

Docket No. 2012-1556-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Atlas Roofing Daingerfield Facility, 1100 East Georgia Pacific Drive, Daingerfield, Morris County

Type of Operation:

Roofing shingle manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 14, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$16,163

Amount Deferred for Expedited Settlement: \$3,232

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$12,931

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

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Atlas Roofing Corporation
RN101633287
Docket No. 2012-1556-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 16, 2012

Date(s) of NOE(s): May 14, 2012

Violation Information

1. Failed to submit the annual permit compliance certification ("PCC") within 30 days after the end of the certification period. Specifically, the PCC for the November 3, 2010 through November 3, 2011 period was due by December 3, 2011 but was not received until January 5, 2012. Also, failed to include a signed certification of accuracy and completeness with the PCC for the November 3, 2010 through November 3, 2011 certification period [30 TEX. ADMIN. CODE §§ 122.143(4), 122.165, and 122.146(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") No. 02303, General Terms and Conditions].
2. Failed to utilize a boot/shroud while receiving surfacing material via trucks [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 02303, Special Terms & Conditions ("STC") No. 6, and New Source Review ("NSR") Permit No. 88397, Special Conditions No. 13].
3. Failed to physically identify and mark equipment that has the potential of emitting air contaminants with facility identification numbers ("FINs") and emission point numbers ("EPNs") [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 02303, STC No. 6, and NSR Permit No. 88397, Special Conditions No. 17].
4. Failed to maintain a copy of NSR permit. Specifically, during the April 16, 2012 investigation, Respondent indicated they were not aware of NSR Permit No. 52827 and did not maintain a copy [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(E)(i) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 02303, STC No. 6, and NSR Permit No. 52827, General Conditions No. 7].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

- a. On January 5, 2012, submitted the annual PCC and on August 15, 2012, submitted a signed certification of accuracy and completeness for the November 3, 2010 through November 3, 2011 certification period;

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- b. On May 7, 2012, marked equipment that has the potential of emitting air contaminants with FINs and EPNs;
- c. On August 14, 2012, obtained and began maintaining a copy of NSR Permit No. 52827; and
- d. On October 2, 2012, installed a granule unloading boot for use when receiving materials via trucks.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Amancio R. Gutierrez, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-3921; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: N/A
Respondent: Jack Dry, Production Superintendent, Atlas Roofing Corporation, 1100 East Georgia Pacific Drive, Daingerfield, Texas 75638
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	5-Jul-2012	Screening	10-Jul-2012	EPA Due	
	PCW	10-Oct-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	Atlas Roofing Corporation		
Reg. Ent. Ref. No.	RN101633287		
Facility/Site Region	5-Tyler	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	44503	No. of Violations	4
Docket No.	2012-1556-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Amancio R. Gutierrez
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	19.0% Enhancement	Subtotals 2, 3, & 7	\$2,850
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Notes: Enhancement for one order with denial of liability. Reduction for one notice of intent to conduct an audit.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$1,687
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$45
Approx. Cost of Compliance \$3,275

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$16,163
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$16,163
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$16,163
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DEFERRAL	20.0% Reduction	Adjustment	-\$3,232
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$12,931
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Screening Date 10-Jul-2012

Docket No. 2012-1556-AIR-E

PCW

Respondent Atlas Roofing Corporation

Policy Revision 3 (September 2011)

Case ID No. 44503

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101633287

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 19%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one order with denial of liability. Reduction for one notice of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 19%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 19%

Screening Date 10-Jul-2012

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PCW

Respondent Atlas Roofing Corporation

Policy Revision 3 (September 2011)

Case ID No. 44503

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101633287

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4), 122.146(2), 122.165, Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit ("FOP") No. O2303, General Terms and Conditions

Violation Description

Failed to submit the annual permit compliance certification ("PCC") within 30 days after the end of the certification period. Specifically, the PCC for the November 3, 2010 through November 3, 2011 period was due by December 3, 2011 but was not received until January 5, 2012. Also, failed to include a signed certification of accuracy and completeness with the PCC for the November 3, 2010 through November 3, 2011 certification period.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

33 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$3,750

One single event is recommended for the late certification.

Good Faith Efforts to Comply

10.0% Reduction

\$375

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes

The Respondent submitted compliance documentation on August 15, 2012 prior to the settlement offer.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$4,088

This violation Final Assessed Penalty (adjusted for limits) \$4,088

Economic Benefit Worksheet

Respondent Atlas Roofing Corporation

Case ID No. 44503

Reg. Ent. Reference No. RN101633287

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$25	3-Dec-2011	15-Aug-2012	0.70	\$0	\$1	\$1
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	3-Dec-2011	5-Jan-2012	0.09	\$1	n/a	\$1

Notes for DELAYED costs

Estimated expense to submit the PCC and certification of accuracy and completeness. The Date Required is the PCC and certification of accuracy due dates and the Final Dates are the dates of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$275

TOTAL

\$2

Screening Date 10-Jul-2012

Docket No. 2012-1556-AIR-E

PCW

Respondent Atlas Roofing Corporation

Policy Revision 3 (September 2011)

Case ID No. 44503

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101633287

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. 02303, Special Terms & Conditions ("STC") No. 6, and New Source Review ("NSR") Permit No. 88397, Special Conditions No. 13

Violation Description

Failed to utilize a boot/shroud while receiving surfacing material via trucks.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Harm Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix
Notes

Human health or the environment was exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

85 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended from the investigation date, April 16, 2012, to the screening date, July 10, 2012.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$23

Violation Final Penalty Total \$4,463

This violation Final Assessed Penalty (adjusted for limits) \$4,463

Economic Benefit Worksheet

Respondent Atlas Roofing Corporation

Case ID No. 44503

Reg. Ent. Reference No. RN101633287

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	16-Apr-2012	2-Oct-2012	0.46	\$23	n/a	\$23

Notes for DELAYED costs

Estimated cost insure that a boot/shroud is utilized while receiving materials via trucks to reduce fugitive emissions or submit an administratively complete permit amendment application to remove the requirement from the permit. The Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$23

Screening Date 10-Jul-2012

Docket No. 2012-1556-AIR-E

PCW

Respondent Atlas Roofing Corporation

Policy Revision 3 (September 2011)

Case ID No. 44503

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101633287

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. 02303, STC No. 6, and NSR Permit No. 88397, Special Conditions No. 17

Violation Description

Failed to physically identify and mark equipment that has the potential of emitting air contaminants with facility identification numbers ("FINs") and emission point numbers ("EPNs").

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the permit requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent completed corrective measures on May 7, 2012 prior to the May 14, 2012 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$3,526

This violation Final Assessed Penalty (adjusted for limits) \$3,526

Economic Benefit Worksheet

Respondent Atlas Roofing Corporation

Case ID No. 44503

Reg. Ent. Reference No. RN101633287

Media Air

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	16-Apr-2012	7-May-2012	0.06	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost to mark equipment that has the potential of emitting air contaminants with FINs and EPNs.
The Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$3

Screening Date 10-Jul-2012

Docket No. 2012-1556-AIR-E

PCW

Respondent Atlas Roofing Corporation

Policy Revision 3 (September 2011)

Case ID No. 44503

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101633287

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(E)(i) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. 02303, STC No. 6, and NSR Permit No. 52827, General Conditions No. 7

Violation Description

Failed to maintain a copy of NSR permit. Specifically, during the April 16, 2012 investigation, the Respondent indicated they were not aware of NSR Permit No. 52827 and did not maintain a copy.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$375

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes

The Respondent completed corrective measures on August 14, 2012 prior to the settlement offer.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$16

Violation Final Penalty Total \$4,088

This violation Final Assessed Penalty (adjusted for limits) \$4,088

Economic Benefit Worksheet

Respondent Atlas Roofing Corporation

Case ID No. 44503

Reg. Ent. Reference No. RN101633287

Media Air

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$1,000	16-Apr-2012	14-Aug-2012	0.33	\$16	n/a	\$16
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for additional oversight and management practices designed to ensure the proper maintenance of NSR Permit No. 52827. The Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$16

Compliance History Report

Customer/Respondent/Owner-Operator: CN600329254 Atlas Roofing Corporation Classification: AVERAGE Rating: 6.35
Regulated Entity: RN101633287 ATLAS ROOFING DAINGERFIELD FACILITY Classification: AVERAGE Site Rating: 12.71

ID Number(s):	STORMWATER	PERMIT	TXR05AK17
	POLLUTION PREVENTION PLANNING	ID NUMBER	P07083
	AIR NEW SOURCE PERMITS	PERMIT	52827
	AIR NEW SOURCE PERMITS	REGISTRATION	14034
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	MS0003S
	AIR NEW SOURCE PERMITS	REGISTRATION	55555
	AIR NEW SOURCE PERMITS	REGISTRATION	74393
	AIR NEW SOURCE PERMITS	PERMIT	88397
	AIR NEW SOURCE PERMITS	REGISTRATION	86326
	AIR NEW SOURCE PERMITS	AFS NUM	4834300008
	AIR OPERATING PERMITS	PERMIT	2303
	AIR OPERATING PERMITS	ACCOUNT NUMBER	MS0003S
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	34831
	PETROLEUM STORAGE TANK	REGISTRATION	84963
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	MS0003S

Location: 1100 E GEORGIA PACIFIC DR, DAINGERFIELD, TX, 75638
TCEQ Region: REGION 05 - TYLER

Date Compliance History Prepared: July 09, 2012
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 09, 2007 to July 09, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Amancio R. Gutierrez Phone: (512) 239-3921

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If YES, who is the current owner/operator? N/A
4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 02/08/2009 ADMINORDER 2008-1411-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: O-02303 GTC OP
Description: Failure to submit an Annual Compliance Certification no later than 30 days after the end of the certification period.
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: O-02303 GTC OP
Description: Failure to submit Deviation Reports no later than 30 days after the end of each reporting period.

- B. Any criminal convictions of the state of Texas and the federal government.
N/A

- C. Chronic excessive emissions events.
N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 08/22/2008 (688882)
2 05/06/2009 (743387)
3 02/08/2010 (787166)
4 02/02/2011 (893113)
5 05/14/2012 (996117)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A

F. Environmental audits.

Notice of Intent Date: 07/08/2011(937893)
No DOV Associated

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.
N/A

I. Participation in a voluntary pollution reduction program.
N/A

J. Early compliance.
N/A

Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ATLAS ROOFING CORPORATION
RN101633287**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2012-1556-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Atlas Roofing Corporation ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a roofing shingle manufacturing plant at 1100 East Georgia Pacific Drive in Daingerfield, Morris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 19, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Sixteen Thousand One Hundred Sixty-Three Dollars (\$16,163) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twelve Thousand Nine Hundred Thirty-One Dollars (\$12,931) of the administrative penalty and Three Thousand Two

Hundred Thirty-Two Dollars (\$3,232) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On January 5, 2012, submitted the annual permit compliance certification ("PCC") and on August 15, 2012, submitted a signed certification of accuracy and completeness for the November 3, 2010 through November 3, 2011 certification period;
 - b. On May 7, 2012, marked equipment that has the potential of emitting air contaminants with facility identification numbers ("FINs") and emission point numbers ("EPNs"), in accordance with New Source Review ("NSR") Permit No. 88397;
 - c. On August 14, 2012, obtained and began maintaining a copy of NSR Permit No. 52827; and
 - d. On October 2, 2012, installed a granule unloading boot for use when receiving materials via trucks.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to submit the annual PCC within 30 days after the end of the certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 122.165, and 122.146(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") No. O2303, General Terms and Conditions, as documented during an investigation conducted on April 16, 2012. Specifically, the PCC for the November 3, 2010 through November 3, 2011 period was due by December 3, 2011 but was not received until January 5, 2012. Also, failed to include a signed certification of accuracy and completeness with the PCC for the November 3, 2010 through November 3, 2011 certification period.
2. Failed to utilize a boot/shroud while receiving surfacing material via trucks, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O2303, Special Terms & Conditions ("STC") No. 6, and NSR Permit No. 88397, Special Conditions No. 13, as documented during an investigation conducted on April 16, 2012.
3. Failed to physically identify and mark equipment that has the potential of emitting air contaminants with FINs and EPNs, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O2303, STC No. 6, and NSR Permit No. 88397, Special Conditions No. 17, as documented during an investigation conducted on April 16, 2012.
4. Failed to maintain a copy of NSR permit, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(E)(i) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O2303, STC No. 6, and NSR Permit No. 52827, General Conditions No. 7, as documented during an investigation conducted on April 16, 2012. Specifically, during the April 16, 2012 investigation, the Respondent indicated they were not aware of NSR Permit No. 52827 and did not maintain a copy.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Atlas Roofing Corporation, Docket No. 2012-1556-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

3/3/13
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

10-23-12
Date

JACK DRY
Name (Printed or typed)
Authorized Representative of
Atlas Roofing Corporation

PRODUCTION SUPERINTENDENT
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.